

C) REMARKS:

1. Introduction

Independent claims 1-2 are currently pending in this application. Certain amendments to the claims have been entered herein in response to the Examiner's rejections, as detailed hereinafter. Other amendments to claims have also been made to clarify the scope of that which the Applicants regard as their invention, and are not meant to unduly restrict the scope of those recitations that existed prior to such amendments or limit the applicability of any equivalents thereto.

No new subject matter has been added to this application by these amendments.

The Examiners comments in paragraphs 1-3 and 15 of the Office Action are acknowledged.

2. Rejection of Claims under 35 U.S.C. §102(e)

In paragraphs 6-8 of the Office Action, the Examiner has rejected original claim 1 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,991,292 to Focsaneanu et al. (hereinafter 'Focsaneanu').

This rejection has been overcome by the following amendments entered to the Applicant's independent claim 1:

(a) "sharing bandwidth between the service networks by allocating separate channels to each of the service networks; and

(b) "allowing each service network to allocate a channel from its allocated channels to a customer based on quality measurements of the separate channels."

Support for these recitations can be found, inter alia, in the Applicant's Specification at:

(a) p. 4, lines 91-119; and

(b) p. 4, line 120 - p. 5, line 147.

The Applicants have been mindful of the provisions of MPEP §608.01(o) in making these amendments.

Focsaneanu is devoid of any teaching or suggestion of (b) above, and therefore any combination of recitations (a) and (b) above. Focsaneanu teaches allowing an access module, analogous to Applicants' network access infrastructure, to allocate bandwidth among various service providers (see Col. 12, lines 59- Col. 13, line 4). However, Focsaneanu fails to teaches or suggest that the service networks may to allocate a channel from its group of channels to a customer based on quality measurements of its group of channels. Focsaneanu instead teaches that the access module itself, and not the service networks, which may allocate the channel used by the customer based on a quality of service. See, e.g., Col. 9, lines 13-27 and Col. 11, lines 28-37 of Focsaneanu.

Therefore, reconsideration and withdrawal of this rejection of claims 1 are respectfully requested.

3. Rejection of Claims under 35 U.S.C. §103(a)

In paragraphs 9-14 of the Office Action, the Examiner has rejected original claim 2 under 35 U.S.C. §103(a) as obvious over Focsaneanu in view of U.S. Patent No. 5,914,938 to Brady et al. (hereinafter 'Brady').

This rejection has been overcome by the following amendments entered to the Applicant's independent claim 2:

(a) "sharing bandwidth between the service networks by allocating separate channels to each of the service networks; and

(b) "allowing each service network to allocate a channel from its allocated channels to a customer based on quality measurements of the separate channels."

Support for these recitations can be found, inter alia, in the Applicant's Specification at:

(a) p. 4, lines 91-119; and

(b) p. 4, line 120 - p. 5, line 147.

Focsaneanu fails to teach or suggest these recitations for the reasons stated in the previous section, and renewed herein. Brady fails to teach or disclose either of recitations (a) or (b). Brady teaches layer 3 bridging operations within the same network. See Col. 1, lines 26-28 of Brady. This is well known in the art. Brady, however, fails to teach or suggest using hardware

address bridging so that various service networks can separately manage layer three operations with its customers over an access network infrastructure, as recited in amended claim 2 and described, inter alia, in Applicants' Summary of the Invention.

Such recitations are neither taught nor suggested by Focsaneanu and Brady, either alone or in combination. Such recitations are likewise neither taught nor suggested by any combination of the prior art of record. Accordingly, reconsideration and withdrawal of this rejection of claim 2 are respectfully requested.

4. Conclusion

This amendment is responsive to each issue raised in the Office Action dated August 23, 2004. All objections and rejections of pending claims 1-2 have been overcome above. The Applicant therefore respectfully requests allowance of each of the pending claims as amended herein, and issuance of the present application.

Please note that an APPOINTMENT OF NEW ATTORNEY AND CHANGE OF CORRESPONDENCE ADDRESS has been filed with this Response. Please recognize the representation of, inter alia, the undersigned attorney and direct all correspondence to Mr. S.H. Dworetsky, AT&T Corp., Room 2A-207, One AT&T Way, Bedminster, NJ 07921 as stated therein. The Examiner is invited to contact the undersigned attorney by telephone if it will advance the prosecution of this application.

Consideration of the references cited in the enclosed Information Disclosure Statement is respectfully requested.

In the event that a further extension of time is required in addition to that requested previously herein, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time, or credit any overpayment, to the below-signed practitioner's deposit account number: 502396.

Respectfully submitted,

By:



Charles A. Rattner
Registration No. 40,136
12 Homewood Lane
Darien, CT 06820-6109
(203) 662-9858
(203) 547-6129 (facsimile)
crattner@axiomlegal.net

Dated: February 23, 2005

B.) AMENDMENTS TO DRAWING FIGURES

The Applicants hereby amend the drawings by providing replacement sheets for FIGS. 1-4B herewith. No marked-up copies of the drawings have been provided. FIG. 2 has been revised to show element 221 in place of element 220, and reference number 225 has been eliminated. FIGS. 3A-4B have been revised to eliminate all reference numbers that were not recited in Applicants' Specification. Entry of these Replacement Sheets and withdrawal of the objection to the drawings in paragraphs 4 and 5 of the Office Action are respectfully requested.